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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANK M. FALLS,

Defendant and Appellant.

B170607

(Los Angeles County  
Super. Ct. Nos. GA050856 and  
KA056947

APPEAL from a judgment of the Superior Court of Los Angeles County.

Teri Schwartz, Judge. Affirmed.

Frank M. Falls, in pro. per.; and Murray A. Rosenberg, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a plea bargain, Frank M. Falls (appellant) pleaded guilty on August 30, 2002 to committing second degree burglary on April 30, 2002 (case No. KA056947). Imposition of sentence was suspended and he was placed on five years of formal probation.

Appellant pleaded guilty on October 1, 2002 to committing petty theft with a prior theft-related conviction on September 15, 2002 (case No. GA050856) and admitted he violated his probation in case No. KA056947. Pursuant to a negotiated plea, imposition of sentence was suspended and appellant was placed on three years of formal probation. His probation in case No. KA056947 was revoked and reinstated.

Appellant was arrested on January 26, 2003 and again on February 16, 2003, for several theft-related felony charges, giving rise to two felony complaints which were later consolidated as case No. GA052231. Following a probation revocation hearing, the court found appellant in violation of his probation in case Nos. GA050856 and KA056947. The court declined to reinstate probation and sentenced appellant to an aggregate term of 3 years 8 months in state prison. He received 638 days of presentence credit. The People's motion to dismiss case No. GA052231 was granted and appellant filed a timely notice of appeal.<sup>1</sup> We appointed counsel to represent him on appeal.

After examination of the record, counsel filed an "Opening Brief" in which no issues were raised. On January 15, 2004, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. On March 2, 2004, appellant filed a handwritten response in which he asserts the trial court imposed consecutive rather than concurrent terms in violation of Penal Code section 669, and failed to award him sufficient presentence credits in violation of Penal Code section 4019. The record fails to support these claims.

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<sup>1</sup> Appellant appeared in pro. per. throughout the trial court proceedings.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with the responsibilities of counsel and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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WOODS, J.

We concur:

PERLUSS, P. J.

JOHNSON, J.